

## **REMARKS**

### **I. Introduction**

With the addition of new claim 30, claims 23 to 25 and 27 to 30 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Rejection of Claims 23, 25, and 27 Under 35 U.S.C. § 112, First Paragraph**

As regards the rejection of claims 23, 25 and 27 under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement, while Applicants do not necessarily agree with the merits of this rejection, to facilitate matters, claims 23, 25, and 27 have been amended herein without prejudice to change "heads" to --head--. As such, withdrawal of this rejection is respectfully requested.

### **III. Rejection of Claims 23, 25 and 27 to 29 Under 35 U.S.C. § 102(b)**

Claims 23, 25 and 27 to 29 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,573,464 ("Hofmann et al."). It is respectfully submitted that Hofmann et al. do not anticipate the present claims for at least the following reasons.

Claim 23, relating to a tripod joint for transmitting a driving torque between two driving elements of a drive train, recites at least one securing ring arranged in a respective groove in an inner ring in a region of a cylindrical subregion and extending radially into a recess in the region of the cylindrical subregion. As amended herein without prejudice, claim 23 further recites that the securing ring is **annular** and that **an inner diameter of the securing ring arranged in the respective groove is less than an outer diameter of the ball head**. Support for these amendments may be found, e.g., in Figure 11. No new matter has been added. Claims 27 to 29 have been amended herein without prejudice in analogous manner.

The Office Action contends that the spring 18 constitutes a securing ring. However, as plainly illustrated in Figure 6 and described at col. 6, line 7, spring 18 is a **helical** spring, in contrast to an **annular** securing ring as claimed. Furthermore, there is no indication whatsoever that an inner diameter of the helical

spring 18 arranged in the groove 11<sub>4</sub> is less than an outer diameter of the spherical arm end 5. It should be noted that the portion of the helical spring 18 which lies between the groove 11<sub>4</sub> and the groove 19 at the base of the arm 4<sub>4</sub> does not constitute a portion of the helical spring 18 arranged in the groove 11<sub>4</sub>. As such, this portion of the helical spring 18 does not satisfy the requirement that an inner diameter of a securing ring arranged in a respective groove is less than an outer diameter of a ball head, in addition to this portion of the **helical** spring 18 not being **annular**.

Since Hofmann et al. do not disclose, or even suggest, all of the features recited in any of claims 23 and 27 to 29, it is respectfully submitted that Hofmann et al. do not anticipate any of claims 23 and 27 to 29.

Claim 25 depends from claim 23 and therefore includes all of the features recited in claim 3. It is therefore respectfully submitted that Hofmann et al. do not anticipate claim 25 for at least the same reasons set forth above in support of the patentability of claim 23.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

#### **IV. Provisional Double Patenting Rejection**

As regards the provisional double patenting rejection of claim 23, 25, and 27 to 29, Applicants will respond to the merits of this rejection if and when a rejection, as opposed to a provisional rejection, is made.

#### **V. New Claim 30**

New claim 30 has been added herein. It is respectfully submitted that claim 30 is fully supported by the present application, including the Specification. Since claim 30 ultimately depends from claim 23 and therefore includes all of the features recited in claim 23, it is respectfully submitted that claim 30 is patentable over the references relied upon for at least the reasons more fully set forth above.

VI. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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